

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATHANIEL PHILLIPS,)	
)	
Plaintiff,)	
)	Case No. 1:17-cv-08882
v.)	
DOVENMUEHLE MORTGAGE, INC., and)	Judge: Hon. Ronald A. Guzman
NEIGHBORHOOD LENDING SERVICES, INC.,)	Magistrate Judge: Hon. Jeffery T. Gilbert
Defendants)	

**NEIGHBORHOOD LENDING SERVICES, INC.’S MOTION TO DISMISS
COUNTS III AND V OF PLAINTIFF’S COMPLAINT**

Now comes the Defendant, NEIGHBORHOOD LENDING SERVICES, INC.

(hereinafter sometimes referred to as “NLS”) by its attorneys, Kropik Papuga & Shaw and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves this Honorable Court to dismiss Counts III and V of the Complaint filed herein by NATHANIEL PHILLIPS (hereinafter sometimes referred as “Plaintiff”).

In support of this motion, NLS joins in the Motion to Dismiss Counts III and V of Plaintiff’s Complaint that has been filed herein by the Defendant DOVENMUEHLE MORTGAGE, INC. (hereinafter sometimes referred as “DMI”).

The grounds for dismissal of Counts III and V as set forth in the Memorandum filed by DMI in support of their Motion to Dismiss apply to the Defendant, NLS, as well as to the Defendant, DMI. In the interests of judicial economy, NLS adopts the Memorandum of DMI as it applies to Counts III and V and joins in the statement of facts, arguments and rationale contained in the Memorandum of DMI as they relate to the dismissal of Counts III and V.

NLS makes no comment with respect to that portion of DMI’s Motion and Memorandum as they relate to DMI’s Motion to Dismiss Counts I and II of the Plaintiff’s Complaint.

In further support of this Motion to Dismiss, NLS states that this court may take judicial notice of pleadings and orders and judgments that have been filed and entered in the Mortgage Foreclosure proceeding filed in the Circuit Court of Cook County, Illinois as Case number 2011 CH 24609. This court may take judicial notice of proceedings pending in other courts if they have a direct relation to the matter alleged to be at issue. *United States v. Hope*, 906 F.2D 254, (7th Cir. Ill. 1990). Orders entered in case number 2011 CH 24609 adjudicate the right of NLS to foreclose its mortgage as of the date that the Judgment of Foreclosure was entered.

WHEREFORE, Defendant NEIGHBORHOOD LENDING SERVICES, INC. prays that this Honorable Court take judicial notice of the pleadings and orders and Judgments that have been filed or entered in the Mortgage Foreclosure proceeding filed in the Circuit Court of Cook County, Illinois as Case number 2011 CH 24609. NEIGHBORHOOD LENDING SERVICES, INC. further prays for the entry of an order dismissing Plaintiff Counts III and V of Plaintiff's Complaint with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

NEIGHBORHOOD LENDING SERVICES, INC.

By /s/ Kenneth K. Shaw, Jr.
Kenneth K. Shaw, Jr. one of its attorneys

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